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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

-----X
 SOFTWARE AG, INC. and SOFTWARE AG,

08 CV 00389 (CM) (FM)

Plaintiffs,

-against-

CONSIST SOFTWARE SOLUTIONS, INC.,
 f/k/a CONSIST INTERNATIONAL, INC.
 and NATALIO FRIDMAN,

NOTICE OF
MOTION TO STRIKE

Defendants.
 -----X

COUNSELORS:

PLEASE TAKE NOTICE that, upon the annexed Declaration of Brian Damiano dated February 19, 2008, the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Defendants' Motion to Strike, and all the pleadings and proceedings heretofore had herein, Defendants Consist Software Solutions, Inc. f/k/a Consist International, Inc. ("Consist") and Natalio Fridman ("Fridman") (collectively, "Defendants"), by their undersigned counsel, Duane Morris LLP, will move this Court, before the Hon. Colleen McMahon, United States District Judge, at Court Room 21B of the United States Courthouse, 500 Pearl Street, New York, New York, for an order granting Defendants' motion to strike pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

2/20/08
 No response is necessary. The motion is DENIED. The parties can expect a decision on the motion for a preliminary injunction tomorrow (computer access having been restored).
 Colleen McMahon
 USDJ

Dated: New York, New York
February 19, 2008

DUANE MORRIS LLP

By: /s Hyman L. Schaffer

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